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05 JUL 2007

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In re Application of
KUWAHARA (Deceased)
Application No.: 10/573,483
PCT No.: PCT/JP03/13884
Int. Filing Date: 29 October 2003
Priority Date: None
Attorney Docket no.: KAS.074
For: SPRAY GUN

DECISION ON
REQUEST
UNDER 37 CFR 1.42

This is a decision on applicant's request under 37 CFR 1.42¹ filed in the United States Patent and Trademark Office (USPTO) on 13 February 2007.

BACKGROUND

On 24 March 2006, applicant filed a request for entry into the U.S. national stage under 35 U.S.C. 371(c) along with, *inter alia*, the basic national fee and declaration on behalf of the deceased sole inventor.

On 12 January 2007, a decision was mailed indicating that the declaration executed by the legal representative for deceased inventor Hiroomi Kuwahara did not meet the requirements of 37 CFR 1.497(b).

On 13 February 2007, a newly executed declaration was submitted.

DISCUSSION

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative. The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The declaration submitted on 13 February 2007 is executed by the legal representative for deceased inventor Hiroomi Kuwahara and meets the requirements of 37 CFR 1.497(b). The

¹ 37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

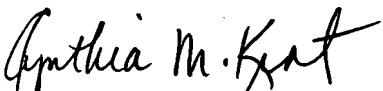
declaration identifies Shigemi Kuwahara as the legal representative of deceased inventor Hiroomi Kuwahara and states the country of citizenship, residency and mailing address for *both* the deceased inventor and the legal representative, to meet the requirements for compliance with 37 CFR 1.497.

Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **13 February 2007**.



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